

**A RESOLUTION BY
FINANCE/EXECUTIVE COMMITTEE**

03- R-0629

**A RESOLUTION REAFFIRMING THE NECESSITY OF THE
\$1.50 SURCHARGE UPON EACH WIRELESS TELECOMMUNICATION
CONNECTION SUBSCRIBED TO TELEPHONE SUBSCRIBERS WHOSE
BILLING ADDRESS IS WITHIN THE CITY OF ATLANTA,
PURSUANT TO THE AUTHORIZATION GRANTED IN
SECTIONS 46-5-133 (A) AND 46-5-134(A)(2)(A) OF THE
OFFICIAL CODE OF GEORGIA ANNOTATED AND FOR
OTHER PURPOSES.**

WHEREAS, the General Assembly finds and declares it is in the public interest to shorten the time required for a citizen to request and receive emergency aid; and

WHEREAS, the General Assembly finds and declares that the benefits of "911" service should be widely available, regardless of whether a "911" call is placed from traditional landline telephone or from a wireless telephone and it is also in the public interest that users of wireless telephones should bear some of the cost of providing this service, as users of landline telephones currently do; and

WHEREAS, it is the intent of the General Assembly to bring wireless telephone service within the scope of Section 46-5-121 of the O.C.G.A. and to establish a means by which local public safety agencies may provide enhanced "911" service to wireless telephone users; and

WHEREAS, "wireless service" means "commercial mobile service" as defined under Section 332(D) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 157 et seq.), regulations of the Federal Communications Commission, and the Omnibus Budget Reconciliation Act of 1993 (PL 103-66) and included real-time, two-way interconnected voice service which is provided over networks which utilize intelligent switching capability and offer seamless handoff to customers; and

WHEREAS, "wireless service supplier" means a provider of wireless service; and

WHEREAS, wireless "telecommunication connection" means any mobile station for wireless service which is assigned a number containing an area code assigned to Georgia by the North American Numbering Plan Administrator that connects a provider of wireless service to a provider of local exchange telephone service; and

WHEREAS, "wireless enhanced "911" charge means a contribution to the local government for the cost to the local government of implementing or upgrading, and maintaining, an emergency "911" system which is capable of receiving and utilizing automatic number identification, the location of the base station or cell site which receives the "911" call, and the location of the wireless telecommunications connection as it relates to "911 calls made from a wireless

telecommunication connection. Nonrecurring and recurring installation, maintenance, service, and network charges of a wireless service supplier to provide the aforementioned information and other cost which may be paid with money from the Emergency Telephone System Fund pursuant to Subsection (e) of Code Section 46-5-134 of the O.C.G.A.; and

WHEREAS, Section 46-5-133 of the O.C.G.A. authorizes any local government, which prior to 1988 operated or contracted for the operation of an enhanced emergency telephone number "911" system which is capable of providing or provides enhanced "911" service to persons or entities with a wireless telecommunications connection, excluding a military base, to adopt an ordinance to impose a monthly wireless enhanced "911" charge upon each wireless telecommunications connection subscribed to by telephone subscribers whose billing address is within the jurisdiction of the local government. On or after January 1, 1999, no monthly "911" charge provided for may be imposed or continue to be imposed unless each dispatch center funded in whole or in part from such charges is in compliance with Code Section 36-80-19, relating to required TDD training for communication officers; and

WHEREAS, O.C.G.A. Section 46-5-134(2)(B) provides that after October 1, 2001 wireless enhanced "911" charges may not exceed the monthly "911" charge imposed upon subscribers of exchange access facility for land lines and in no event, shall such wireless enhanced "911" charge exceed \$1.50 per month per wireless telecommunications connection provided to the telephone subscriber; and

WHEREAS, each service supplier that collects "911" or wireless enhanced "911" charges on behalf of a local government is entitled to retain as an administrative fee an amount equal to 3% of the gross "911" or wireless enhanced "911" charge receipts to be remitted to the local government; and

WHEREAS, after July 1, 2002, 30-cents of the monthly wireless enhanced "911" charge imposed shall be deposited in a separate restricted reserve account of the Emergency Telephone System Fund, which shall be designated as the Wireless Phase II Reserve Account.

WHEREAS, in accordance with resolution 03-R-0217 for which a public hearing has been scheduled for April 2, 2003 to increase the "911" fee from \$1.00 to \$1.50.

THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1. That pursuant to the authority granted in O.C.G.A. Section 46-5-133 there is hereby imposed a \$1.50 surcharge upon each wireless telecommunication connection subscribed to by telephone subscribers whose billing address is within the jurisdiction of the City of Atlanta.

Section 2. That pursuant to O.C.G.A. Section 46-5-134, Service Supplier(s) shall, on behalf of the City of Atlanta, collect the "911" charge from those telephone subscribers to whom it provides exchange telephone service in the area served by the emergency "911" system.

Section 3. That pursuant to O.C.G.A. Section 46-5-134(d), the wireless Service Suppliers, be and are hereby directed to continue collecting the wireless "911" \$1.50 monthly surcharge from wireless telephone subscribers where wireless service is in the area served by the City of Atlanta enhanced emergency wireless number "911" system, for the period from January 1, 2003 through December 31, 2003 and to remit said funds collected, less a 3% administrative fee retained by the wireless telephone companies to the City.

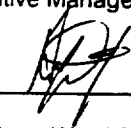
TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office:

Greg Pridgeon

(For review & distribution to Executive Management)

Commissioner's Signature: 

Director's Signature 

From: Originating Dept: Finance Department

Contact (name) Barbara Ward 330-6687

Committee(s) of Purview: Finance/Executive Committee 4/1-2/03

Committee Deadline:

Committee Meeting Date (s): 4/1-2/03

City Council Meeting 4/21/03

Date: _____

CAPTION:

A RESOLUTION REAFFIRMING THE NECESSITY OF THE \$1.50 MONTHLY SURCHARGE ON TELEPHONE BILLS FOR THE OPERATION OF THE "911" SYSTEM, AND DIRECTING ALL OF THE TELEPHONE COMPANIES PROVIDING TELEPHONE SERVICE IN THE CITY OF ATLANTA TO CONTINUE COLLECTING THE SURCHARGE FOR THE PERIOD JANUARY 1, THROUGH DECEMBER 31, 2003.

BACKGROUND/PURPOSE/DISCUSSION:

A RESOLUTION REAFFIRMING THAT ALL WIRELESS TELEPHONE COMPANIES THAT PROVIDE TELEPHONE SERVICE WITHIN THE CITY OF ATLANTA, BE DIRECTED TO CONTINUE COLLECTING THE "911" \$1.50 MONTHLY SURCHARGE FROM TELEPHONE SUBSCRIBERS WHOSE TELEPHONES ARE IN THE AREA, SERVED BY THE CITY OF ATLANTA ENHANCED EMERGENCY TELEPHONE NUMBER "911" SYSTEM FOR THE PERIOD JANUARY 1, 2003 THROUGH DECEMBER 31, 2003, AND REMIT SAID FUNDS COLLECTED, LESS THE 3% ADMINISTRATIVE FEE RETAINED BY THE TELEPHONE COMPANIES FOR COLLECTING AND REMITTING THE FEES.

FINANCIAL IMPACT (if any):

The City collected \$2,517,622.68 for wireless emergency "911" fees in 2002.

OTHER DEPARTMENT(S) IMPACTED: _____

Received by Mayor's Office: 3.26.03 

(date)

Reviewed: 

(initials)

(date)

Submitted to Council: _____

(date)

Action by

Committee: _____ Approved _____ Adversed _____ Held _____ Amended

_____ Substitute _____ Referred _____ Other